

PETITION FOR SPECIAL EXCEPTION

(OVER)

INSTRUCTIONS FOR FILING PETITION FOR SPECIAL EXCEPTION
(Please Read Carefully)

1. Address correspondence to: Office of Zoning and Administrative Hearings, 100 Maryland Avenue, Room 200, Rockville, Maryland, 20850 (Telephone number: 240-777-6660)
2. At the time of filing an application, the correct fee must be paid in accordance with the current schedule of fees adopted by the Montgomery County Council. Checks or money orders should be made payable to Montgomery County, Maryland. **Cash cannot be accepted.** No application will be accepted by the office unless it contains all pertinent information and is accompanied by the required filing fee.

DATA TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION
(Section 59-A-4.22, Montgomery County Code 1994, as amended)

Each Petition for Special Exception must be accompanied at the time of its filing by four (4) copies of all documents that include:

1. Survey plats certified by an engineer or surveyor showing boundaries, dimensions, area, topography and frontage of the property involved, as well as the location and dimensions of all structures existing and proposed to be erected, and the distances of such structures from the nearest property lines.
2. Plans, architectural drawings, photographs, elevations, specifications or other detailed information depicting fully the exterior appearance of existing and proposed construction, including signs, involved in the petition.
3. Statement explaining in detail how the special exception is proposed to be operated, and any special conditions or limitations that the applicant proposes for adoption by OZAH.
4. Complete information concerning the size, type and location of any existing and proposed trees, landscaping and screening and any exterior illumination proposed.
5. Certified copy of official zoning vicinity map of 1,000-foot radius surrounding the subject property and other information to indicate the general conditions of use and existing improvements on adjoining and confronting properties. Purchase maps from the Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring, Maryland, (Phone: 301-495-4610). The complete, original map (as issued by M-NCPPC) and three (3) copies must accompany the petition.
6. If petitioner is not the owner of the property involved, lease, rental agreement, or contract to purchase by which petitioner's legal right to prosecute the petition is established.
7. Applicable master plan maps reflecting proposed land use, zoning, and transportation, together with any other portions of the applicable master plan deemed pertinent by the petitioner. (Available at M-NCPPC, 8787 Georgia Avenue, Silver Spring.)
8. A preliminary forest conservation plan prepared in accordance with Chapter 22A and an approved natural resources inventory prepared in accordance with technical manual adopted by the Planning Board, and in addition:
 - (i) Other natural features, such as rock outcroppings and scenic views; and
 - (ii) Historic buildings and structures.
9. A preliminary and/or final water quality plan if the property lies in a special protection area subject to the provisions of Chapter 19 of the Code.
10. All additional exhibits which the petitioner intends to introduce.
11. Summary of what the petitioner intends to prove, including the names of petitioner's witnesses, summaries of the testimonies of expert witnesses, and the estimated time required for presentation of the petitioner's case.
12. Names and addresses of adjoining and confronting property owners who are entitled to notice of the filing under Section 59-A-4.46(a), as reflected by the Montgomery County Tax Records, 51 Monroe Street, Third Floor, Rockville, Maryland (please use Form 5), and a list of local citizens associations and any municipality or special taxing district within whose boundaries the subject property lies. **The public hearing will be held no sooner than 30 days following the receipt of the petition and mailing of notice to neighbors. Please be careful that the list of property owners is both complete and current because an incomplete or outdated list will require the process to be repeated.**

IMPORTANT

It is suggested that petitioner, before preparing the petition, read carefully Sections 59-A-4.1, 59-A-4.2 and 59-G-1 of the Zoning Ordinance and the particular subsection pertaining to the use desired.

Special Exception petitions require that an OZAH sign be posted on the property within three (3) days after the application is accepted by the office. A deposit for the sign of \$100.00 is required: \$75.00 will be refunded to the applicant when the sign is returned following the Hearing Examiner's decision.

**OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
MONTGOMERY COUNTY, MARYLAND
(240) 777-6660**

**PETITION FOR SPECIAL EXCEPTION FOR CHILD DAY CARE UNDER ZONING
ORDINANCE**

(Please note instructions on reverse side. Application cannot be processed unless all information is submitted)

Petition is hereby made for a special exception under the Zoning Ordinance (Sec 59-G-2.13 *(in accordance with sections 59-G-1 through 59-G-2)*) for the Montgomery-Washington Regional District in Montgomery County, Maryland (Chap. 59, Mont. Co. Code 1994, as amended)

Petitioner(s): _____
First Name Middle Initial Last Name

Address: _____
Street City & Zip Code Telephone No.

Proposed Use: Child Day Care (Please check the appropriate category below):

GROUP DAY CARE

- ☐ 9 to 12 children (R-90, R-60, R-40, R-4 Plex, RMH-200, R-T, R-30,
R-20, R-10, R-H, CBD*, TS-R*, TS-M* & RMX/TDR Zones)

CHILD DAY CARE CENTER

- ☐ up to 30 children (Rural, R-C, RDT, RE-2, RE-2C, RE-1, R-200, R-150,
R-90, R-60, R-40, R-30, R-20, R-10, R-4 Plex, R-T,
R-H, CBD*, TS-R*, TS-M*, RMH-200 & RMX/TDR Zones)
[] Exact number of children proposed (if under 30)

*** In Residential Buildings**

Hours of operation _____ a.m. to _____ p.m.

Number of Non-Resident Staff _____

Is the Provider to be a Resident of the Building? Yes ☐ No ☐

Description of Property for Proposed Use:

Address: _____

Lot: _____ and Block: _____, Parcel No.: _____ or other description _____

Size of Property: (In acreage or square feet) _____ Current Zoning: _____

Number of Off-Street Parking Spaces: _____ Public water/sewer? Yes ☐ No ☐

Municipality (If applicable): _____ Subdivision: _____

Owner of Property (If not petitioner):

Name _____ Address _____ Zip Code _____

Petitioner's Present Legal Interest in Subject Property (Check one):

- ☐ Owner ☐ Lessee ☐ Contract to Purchase ☐ Contract to Lease or Rent ☐ Other (describe)

Has any previous petition or involving this property been made to this office, or to the former Board of Zoning Appeals, by this Petitioner, or by anyone else to this Petitioner's knowledge? _____ If so, give Case Number(s): _____

I have read the instructions on the reverse side of this form, and am filing herewith all of the required accompanying information.

I hereby affirm that all of the statements and information contained in or filed with this petition are true and correct.

Signature of Attorney - *(Please print next to signature)*

Signature of Petitioner(s)- *(Please print next to signature)*

Address of Attorney

Telephone Number

(OVER)

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(Section 59-A-4.22, Montgomery County Code 1994, as amended)

Each Petition for Special Exception must be accompanied at the time of its filing by four (4) copies of all documents that include:

1. Survey plats certified by an engineer or surveyor showing boundaries, dimensions, area, topography and frontage of the property involved, as well as the location and dimensions of all structures existing and proposed to be erected, and the distances of such structures from the nearest property lines.
2. Plans, architectural drawings, photographs, elevations, specifications or other detailed information depicting fully the exterior appearance of existing and proposed construction, including signs, involved in the petition. Include a plan showing the following: **(a) parking (square footage and location of parking); (b) play area; (c) fencing; (d) location of driveway and drop-off areas.**
3. Statement explaining in detail how the special exception is proposed to be operated, including hours of operation, number of anticipated employees, and any special conditions or limitations that the applicant proposes for adoption by OZAH.
4. Complete information concerning the size, type and location of any existing and proposed trees, landscaping and screening and any exterior illumination proposed.
5. Certified copy of official zoning vicinity map of 1,000-foot radius surrounding the subject property and other information to indicate the general conditions of use and existing improvements on adjoining and confronting properties. Purchase maps from the Maryland-National Capital Park and Planning Commission, 8787 Georgia Avenue, Silver Spring, Maryland, (Phone: 301-495-4610). The complete, original map (as issued by M-NCPPC) and three (3) copies must accompany the petition.
6. If petitioner is not the owner of the property involved, lease, rental agreement, or contract to purchase by which petitioner's legal right to prosecute the petition is established.
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 - (i) Other natural features, such as rock outcroppings and scenic views; and
 - (ii) Historic buildings and structures.
9. A preliminary and/or final water quality plan if the property lies in a special protection area subject to the provisions of Chapter 19 of the Code.
10. All additional exhibits which the petitioner intends to introduce.
11. Summary of what the petitioner intends to prove, including the names of petitioner's witnesses, summaries of the testimonies of expert witnesses, and the estimated time required for presentation of the petitioner's case.
13. Names and addresses of adjoining and confronting property owners who are entitled to notice of the filing under Section 59-A-4.46(a), as reflected by the Montgomery County Tax Records, 51 Monroe Street, Third Floor, Rockville, Maryland (please use Form 5), and a list of local citizens associations and any municipality or special taxing district within whose boundaries the subject property lies. **The public hearing will be held no sooner than 30 days following the receipt of the petition and mailing of notice to neighbors. Please be careful that the list of property owners is both complete and current because an incomplete or outdated list will require the process to be repeated.**

IMPORTANT

It is suggested that petitioner, before preparing the petition, read carefully Sections 59-A-4.1, 59-A-4.2 and 59-G-1 of the Zoning Ordinance and the particular subsection pertaining to the use desired.

Special Exception petitions require that an OZAH sign be posted on the property within three (3) days after the application is accepted by the office. A deposit for the sign of \$100.00 is required: \$75.00 will be refunded to the applicant when the sign is returned following the Hearing Examiner's decision.

**COUNTY COUNCIL
FOR
MONTGOMERY COUNTY, MD.**

Petition No. _____

Date Filed _____

**PETITION FOR SPECIAL EXCEPTION UNDER ZONING ORDINANCE
*PLEASE NOTE INSTRUCTIONS ON REVERSE SIDE***

Petition is hereby made to the County Council for Montgomery County, Maryland, for a special exception under the Zoning Ordinance for the Maryland-Washington Regional District within Montgomery County, (Chap. 59, Mont. Co. Code 1984, as amended) as follows:

Provide description of property to be used:

If subdivided indicate: Lot _____ Block _____ Subdivision _____

Town _____ Street and No. _____

Zone Classification _____ Sewer basin _____ Sewer Category _____

Use proposed (check appropriate use):

☐ Family Burial Site ☐ Cemetery ☐ Animal Cemetery

Zoning Ordinance subsection providing for proposed use: Sec. 59-G-2. _____
(In accordance with sections 59-G-1 through 59-G-2)

Owner of property: Name _____

Address _____

Petitioner's present legal interest in above property: (check one)

☐ Owner (including joint ownership) ☐ Lessee ☐ Tenant other than as lessee (describe)

☐ Contract to lease or rent ☐ Contract to purchase ☐ Other (describe) _____

Have any previous petitions or appeals involving this property been made to the Board of Appeals by this Petitioner or by anyone else? _____

If so, give Case Number(s): _____

Further comments, if any: _____

I have read the instructions on the reverse side of this form, and am filing herewith all of the required accompanying information.

I hereby affirm under penalty of perjury that all of the statements and information contained in or filed with this petition are true and correct.

Signature of Attorney (If representing Petitioner)

Signature of Petitioner

Address & Phone Number of Attorney

Address & Phone Number of Petitioner

NAME	ADDRESS AND TELEPHONE NUMBER	LOT	BLOCK
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LOCAL CIVIC ASSOCIATION (NAME AND ADDRESS):

LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS:

**PROVISIONS APPLICABLE TO THOSE FILING NEW
APPLICATIONS FOR SPECIAL EXCEPTIONS**

[Excerpt from Section 59-H-4.43]

- a. Within three days after the filing of a petition for special exception or variance, the applicant shall erect a sign, to be furnished by the board or the Hearing Examiner, on the subject property within ten feet of the boundary line of each public road which abuts the property and, if no public road abuts thereon, then facing in such manner as may most readily be seen by the public. If the land does not abut a public road, then in addition to a sign placed on the property, a sign shall be placed within ten feet of the right-of-way of the nearest most traveled public road. However, if the owner of the property abutting the nearest most traveled public road is unwilling to permit the posting of any such sign, and the applicant files an affidavit stating such fact, then posting shall be made in such manner as the board or the Hearing Examiner shall direct.
- b. The sign shall be erected so that the bottom of the sign shall be not less than two and one-half feet from the ground . . .

AFFIDAVIT OF POSTING

I HEREBY CERTIFY that I placed or caused to be placed upon the property which is the subject of Application No. _____ the sign furnished by the Office of Zoning and Administrative Hearings, that the sign was posted within three days after acceptance for filing of said application within ten feet of the property line in the most conspicuous location, and that the sign has been continuously maintained to the date of hearing.

I understand that the sign is to be maintained in the same position until after I have been notified of the Council's decision on said application, and that the sign is to be returned to the Council Office Building within five days thereafter.

APPLICANT

Subscribed and sworn to before me, a Notary Public for Montgomery County, Maryland, this _____ day of _____, 20____.

NOTARY PUBLIC

My Commission Expires: _____

AFFIDAVIT OF COMPLIANCE

I HEREBY CERTIFY that I will comply with and satisfy all applicable State and County requirements, correct any deficiencies found in any government inspection, and be bound by this affidavit as a condition of approval for the special exception.

I understand that if I fail to meet State or County requirements, this special exception may be declared invalid.

Petitioner

Subscribed and sworn to me, a Notary Public for Montgomery County, Maryland, this _____ day of _____, 20 ____.

Notary Public

My Commission Expires: _____

